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SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Internally displaced persons

Report of the Representative of the Secretary General Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights Resolution 1998/50

CONTENTS

	Paragraphs	Page
Introduction	1 - 4	2
I. THE NORMATIVE FRAMEWORK: THE GUIDING PRINCIPLES	5 - 36	2
II. THE INSTITUTIONAL FRAMEWORK	37 - 70	13
III. THE COUNTRY FOCUS	71 - 90	24
IV. AN AGENDA FOR RESEARCH	91 - 97	31
V. CONCLUSION	98 - 100	33

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Introduction

1. As we approach the next millennium, the problem of internal displacement remains one of the most pressing challenges facing the international community. Some 20 to 25 million persons in at least 40 countries worldwide are internally displaced, and one need only to have looked at the newspapers this past year - whether they concerned Kosovo, Sierra Leone, the Sudan, Sri Lanka or Colombia, to name just a few crises - to know that their numbers are growing and their needs for protection and assistance are great. On the positive side, if one could be said to exist amidst such human tragedy, significant developments have occurred in this past year towards improving responses at the national, regional and international levels.

2. Particular progress has been made in the development of the normative framework with the completion of the Guiding Principles on Internal Displacement, which were presented to the Commission at its last session (E/CN.4/1998/53/Add.2) and have already gained some standing. Significant developments also have been made in terms of institutional arrangements at the international level, and there are encouraging signs of further developments at the regional level as well. The benefit that country visits by the Representative can have in helping to raise awareness of situations of internal displacement and enhance responses to them has become increasingly apparent. Drawing together these various components in the work of the mandate, this past year also has seen the completion of a comprehensive study on the global crisis of internal displacement as well as the formulation of strategies and recommendations for addressing it more effectively. As a result of these developments, all those actors and organizations confronted with the problem of internal displacement appear to be better equipped than ever before to respond to it.

3. Nonetheless, serious challenges remain which require that the mandate and the international community as a whole should not be satisfied with these developments, but instead should work to build upon the momentum that has been generated. The tragic plight of the millions of internally displaced is a sobering indication of the considerable work that remains to be done.

4. This report provides an overview of developments in the past year in the three main areas of work of the mandate: the normative framework, in particular the Guiding Principles on Internal Displacement; the institutional arrangement, at the international as well as regional levels; and the focus on specific country situations. There then follows a section setting out the research being undertaken by the mandate this year. Finally, future directions for the mandate are considered. The report ends with a brief conclusion.

I. THE NORMATIVE FRAMEWORK: THE GUIDING PRINCIPLES

5. The development of an appropriate normative framework for the protection and assistance of internally displaced persons has been a main feature of the work of the mandate since its inception. Indeed, the need for an examination of the applicability of existing international human rights, humanitarian and refugee law and standards to the protection of and provision of relief assistance to internally displaced persons was one of the reasons the

Commission requested the Secretary-General to designate a representative on the issue of internally displaced persons (in resolution 1992/73). In particular, the Commission requested an identification of existing laws for the protection of internally displaced persons, possible additional measures to strengthen the implementation of these laws and alternatives for addressing protection needs not adequately covered by existing instruments. In a preambular paragraph of resolution 1993/95, the Commission noted that "the compilation of existing rules and norms and the question of general guiding principles to govern the treatment of internally displaced persons, in particular their protection and the provision of relief assistance", were among the number of tasks identified by the Representative as "requiring further attention and study". With the extension of his mandate, the Representative assembled a team of experts on international law to assist him in undertaking these tasks. This process resulted in the preparation of a compilation and analysis, in two parts, of the legal norms pertaining to internal displacement.

6. The first part of the compilation and analysis (E/CN.4/1996/52/Add.2) examined the relevant provisions of international human rights law, international humanitarian law and refugee law by analogy once people have been displaced. The study concluded that while existing law covers many aspects of relevance to the situation of internally displaced persons, there nonetheless existed significant gaps and grey areas as a result of which the law fails to provide sufficient protection. The study made recommendations for addressing these gaps and grey areas in order to provide a more comprehensive normative framework for the protection and assistance of the internally displaced.

7. The second part of the compilation and analysis (E/CN.4/1998/53/Add.1) examined the legal aspects relating to protection against arbitrary displacement, using the same methodology of considering international human rights law, international humanitarian law and refugee law by analogy. The study found that many provisions in international law point to a general rule according to which forced displacement may be undertaken only exceptionally, on a non-discriminatory basis and not arbitrarily imposed, but that this protection largely is only implicit. Accordingly, the study concluded that the legal basis for providing protection prior to displacement could be strengthened significantly by articulating a right not to be arbitrarily displaced.

8. Together, the two parts to the compilation and analysis of legal norms provided the basis upon which to return to the question of general guiding principles to govern the treatment of internally displaced persons. In resolutions 1996/52 and 1997/39, the Commission called upon the Representative to develop, on the basis of the compilation and analysis, a comprehensive normative framework of protection and assistance for internally displaced persons and, in the latter resolution, took note of the Representative's preparation of guiding principles to this end.

9. Over the course of a series of meetings beginning in June 1996, a team of experts in international law assembled by the Representative began drafting a set of guiding principles relating to internally displaced persons. Throughout this process, consultations were held with representatives of

United Nations agencies, regional organizations and non-governmental organizations involved with the internally displaced. A final meeting, hosted by the Government of Austria in Vienna in January 1998, widened the consultative process to include legal experts from the various geographic regions as well as representatives from a broad cross-section of relevant United Nations and other international agencies, regional organizations and non-governmental organizations. While sharing a common concern for the internally displaced, the participants brought different perspectives to the meeting, reflecting the nature of their involvement and experience with the issue of internal displacement. Specialists in gender and children's issues, for instance, were invited to attend with a view to helping ensure that the particular needs of internally displaced women and children were adequately taken into account in the preparation of the guiding principles. The General Assembly, in its resolution 52/107 on the rights of the child, had requested the Representative to take into account the situation of internally displaced children in his preparation of the guiding principles. On the basis of the expertise shared at the meeting, the set of guiding principles was further refined before being presented to the Commission at its fifty-fourth session as the Guiding Principles on Internal Displacement.

10. The Guiding Principles consolidate the numerous relevant norms which are at present too dispersed and diffuse to be effective in ensuring the protection and assistance of internally displaced persons. The Commission, in resolutions 1996/52, 1997/39 and 1998/50, had recognized that the protection of internally displaced persons would be strengthened by identifying, reaffirming and consolidating specific rights for their protection. Reflecting and consistent with international human rights law and international humanitarian law, they set forth the rights and guarantees relevant to the protection of internally displaced persons in all phases of displacement: protection against arbitrary displacement; protection and assistance during displacement; and during return, resettlement and reintegration.

11. The introduction to the Principles contains a refinement of previous working definitions: internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border. This definition is descriptive, not a legal term. It contains the two basic elements of internal displacement: coerced movement and remaining within one's national borders. It refers to the major causes of displacement, but its inclusion of the qualifier "in particular" makes clear that other causes are not excluded. In large part, the focus is on persons who, if they were to cross a border, would qualify as refugees, under both the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the Cartagena Declaration on Refugees and arguably, in many cases, under the narrower definition of the 1951 Convention relating to the Status of Refugees as well. But the definition also includes persons who would not qualify as refugees, for example those uprooted by natural and human-made disasters. The argument for including reference to these disasters in the definition is based on cases where Governments respond to such disasters by discriminating against or

neglecting certain groups on political, ethnic, racial or religious grounds or by violating the human rights of the affected population in other ways, thereby creating special protection needs. It should be noted that the definition does not encompass persons who migrate for economic reasons. To be sure, persons forced from their homes because of economic injustice and marginalization tantamount to systematic violation of their economic rights would come under the definition, but in most cases of economic migration the element of coerced movement is not so clear.

12. The scope and purpose of the Guiding Principles is to address the specific needs of internally displaced persons worldwide. Towards this end, the Principles provide guidance to all relevant actors: the Representative in carrying out his mandate; States when faced with the phenomenon of internal displacement; all other authorities, groups and persons in their relations with internally displaced persons; and intergovernmental and non-governmental organizations.

13. Once the Principles were finalized, they were formally presented by the Representative, as he noted in his oral statement to the Commission last year, to the Inter-Agency Standing Committee (IASC), at its meeting of 26 March 1998. Following several statements of support for the Guiding Principles made by the heads of various member organizations, the IASC adopted a decision welcoming the Guiding Principles, encouraging its members to share them with their executive boards and their staff, especially those in the field, and to apply them in their activities on behalf of internally displaced persons.

14. "Noting the progress made so far by the Representative ... in developing a legal framework, in particular the compilation and analysis of legal norms and the development of Guiding Principles", the Commission, in resolution 1998/50, adopted without a vote and co-sponsored by 55 States, noted with interest the IASC decision, and took note of the Guiding Principles and of the stated intention of the Representative to make use of the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and requested him to report on his efforts in this regard and the views expressed to him.

15. Following the Commission, the Guiding Principles were brought to the attention of the Economic and Social Council (ECOSOC) and, in particular, its first humanitarian segment. Member States were among the invitees to a round-table discussion on "Internally Displaced Persons: Challenges Confronting the International Community" that was hosted by the Emergency Relief Coordinator on the occasion of the first humanitarian segment. The Representative introduced the Principles to the meeting, in which many Governments participated, and a number of States, as in the Commission, expressed their support for the Principles. The Secretary-General, in his report to ECOSOC on the strengthening of the coordination of emergency humanitarian assistance of the United Nations (A/53/139-E/1998/67, para. 10), highlighted the Guiding Principles as among the "notable examples" of achievements of the past year. ECOSOC, in its agreed conclusions 1998/2 on follow-up and implementation of the Vienna Declaration and Programme of Action, specifically in section V on "Those requiring special protection", "commends the ... efforts to promote a comprehensive strategy that focuses on

prevention, as well as better protection, assistance and development for internally displaced persons and, in this regard, notes the progress achieved to date in developing a legal framework." ECOSOC also made reference to the Guiding Principles in its agreed conclusions 1998/1 on the issue of special economic, humanitarian and disaster relief assistance, noting the IASC decision relating to them.

16. The Security Council is another forum in which the Secretary-General as well as States have expressed their views on the Guiding Principles. The Secretary-General, in his report to the Council on protection for humanitarian assistance to refugees and others in conflict situations, drew the Council's attention to the development of the set of guiding principles for the protection of internally displaced persons (S/1998/883, para. 10). In the debate on this agenda item, the delegation of Kenya referred to the importance for both States and non-State actors to rise to the challenge to comply with existing international legal instruments that are designed to assist and protect civilian populations from harm and that outline urgent measures to ensure that refugees, displaced persons and other affected people in conflict situations have access to international protection and assistance and, in this regard, welcomed the adoption of the guiding principles for the protection of internally displaced persons (see S/PV.3932).

17. Outside the United Nations framework, the Representative has brought the Guiding Principles to the attention of regional and cross-regional intergovernmental forums. Indeed, regional organizations, namely the Organization of African Unity (OAU), the Inter-American Commission on Human Rights of the Organization of American States (OAS), and the Organization for Security and Cooperation in Europe (OSCE) were consulted in the formulation of the Guiding Principles, specifically through their participation at the Experts Consultation in Vienna in January 1998. Since that time, the Guiding Principles as presented to the Commission formally have been brought by the Representative to the attention of various regional, subregional and cross-regional organizations.

18. An OAU seminar on Enhancing the Participation of Returnees, Refugees and Internally Displaced Women and Children in Reconstruction, Rehabilitation and Peace-Building, held in Addis Ababa from 12 to 15 October 1998, was the first regional meeting to consider the Guiding Principles. The office of the Representative participated in the seminar and a statement from the Representative was issued at the meeting. The Plan of Action, which was adopted by consensus, called on the Secretary-General of the OAU to urge member States to promote compliance with the Guiding Principles on Internal Displacement.

19. Following this meeting, the OAU co-sponsored with UNHCR and the Brookings Institution Project a workshop on Internal Displacement in Africa, held in Addis Ababa on 19 and 20 October, in which representatives of the five member States of the OAU Bureau of the Commission on Refugees (Algeria, Cameroon, Niger, Sudan, Zambia) participated. The workshop focused on discussing the promotion, dissemination and application of the Guiding Principles in Africa. (The report of the workshop is contained in Addendum 2.) The OAU, in its introductory statement to the conference, renewed its appreciation for the Guiding Principles and noted that it stood

ready to associate itself with efforts to give wide dissemination to the principles, so as to increase international awareness of the needs and rights of internally displaced persons and of the legal standards pertinent to their needs. It further noted that while the principles alone could not prevent displacement or violation of the rights of internally displaced persons, they would provide guidance to Governments and organizations when addressing the issue in the field. In its conclusions and recommendations, the workshop warmly welcomed and endorsed the Guiding Principles as an important basis for more effectively addressing the problem of internal displacement in Africa. The strong protection focus of the Principles and their comprehensive approach, incorporating the issues of prevention, protection, assistance and solutions, were particularly welcomed by participants. In a similar vein, the workshop underscored the importance of the linkage the principles make between finding solutions to current situations of internal displacement and the prevention of future displacements. The workshop recommended the wide dissemination and promotion of the Guiding Principles throughout Africa, suggesting several strategies in this regard.

20. The dissemination and promotion of the Principles throughout Africa was among the recommendations of the Addis workshop to the OAU Ministerial Meeting on Refugees, Returnees and Displaced Persons in Africa, held in Khartoum from 13 to 15 December 1998. An OAU experts meeting immediately prior to the Ministerial Meeting, at which the mandate was represented and a statement by the Representative issued, included a substantive session on internal displacement in Africa which had among its stated objectives to review the Guiding Principles and the challenges that countries and other parties face in their implementation and to explore measures to ensure the commitment and adherence to them. The Ministerial Meeting recommended that the Guiding Principles be submitted to the OAU Commission on Refugees at its next session.

21. In addition to being brought to the attention of the OAU, the Guiding Principles also have been shared with other regional organizations as well as subregional and cross-regional intergovernmental organizations. Still in relation to the African continent, the Representative has shared them with the subregional organizations of Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC) and the Intergovernmental Authority on Development (IGAD). In the Americas, the Representative has shared them with the Inter-American Commission on Human Rights of the OAS and, in particular, its rapporteur on internally displaced persons, which have begun to apply them in their work. In Europe, the Representative has written to the OSCE to encourage its member States as well as the organization as a whole to promote and apply the Principles. The Representative has done the same with the Commonwealth, an organization of 53 States from all regions of the world. Prior to the completion of the Guiding Principles, the Commonwealth heads of Government, at their meeting of October 1997, endorsed the report of its Intergovernmental Group on Refugees and Displaced Persons which took note of the formulation of the Guiding Principles, encouraged efforts to evolve a legal framework for dealing with internally displaced persons, and recommended that the Commonwealth should lend its support and contribute to international efforts to develop a normative framework to address the lacunae in the protection of internally

displaced persons, and should endeavour to promote the implementation of relevant human rights and humanitarian instruments including, where applicable and feasible, by implementing the normative framework through national legislation. 1/

22. The Representative also has sought the views of Governments on the Guiding Principles on a bilateral basis, in particular through the dialogue in which he engages with Governments in the course of undertaking country missions. The mission of the Representative to Azerbaijan, the report of which is Addendum 1 to the present report, was the first to have been undertaken by the Representative since the completion of the Guiding Principles. Throughout the mission, the Representative shared the Guiding Principles with various government officials, national and local, as well as with representatives of the diplomatic community based in Azerbaijan, using the Principles as a basis for his dialogue with them. To facilitate dialogue on the Principles with Azerbaijani officials, the Principles had been translated, with the support of the Office of the United Nations High Commission for Refugees (UNHCR), into the Azerbaijani language, both in Cyrillic and Roman scripts. The Minister of Justice noted that protection for internally displaced persons requires the incorporation of their rights into legislation, both at the national and international level, and in this regard welcomed the Guiding Principles as a valuable reference for use within the national legislative framework. The Deputy Minister of Health particularly welcomed the attention paid by the Guiding Principles to economic and social rights. Both of these officials and several others consulted during the mission indicated that they would study the Guiding Principles and communicate any additional comments on them to the Representative.

23. Given the fact that many internally displaced populations are found in areas falling outside government control, efforts also have been made to bring the Guiding Principles to the attention of non-State actors. The Representative has presented the Guiding Principles to the Sudan People's Liberation Army/Sudan People's Liberation Movement (SPLA/SPLM), which has received them positively. A number of non-governmental organizations are planning to bring the Guiding Principles to the attention of other non-State actors.

24. With respect to international organizations, it must be recalled that several, namely the Office of the High Commissioner for Human Rights (OHCHR), UNHCR, the International Committee of the Red Cross (ICRC), the Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP) and the International Organization for Migration (IOM) were consulted in the preparation of the Principles. Once the Principles were finalized they were, as noted above, presented to the IASC which adopted a decision on them. Reinforcing the IASC decision, UNHCR, UNICEF, WFP, ICRC and IOM made statements to the Commission emphasizing the relevance of the Guiding Principles to their work. UNHCR noted that the Principles are of "considerable importance" to its work - a point which the General Assembly since has echoed (in resolution 53/125). UNICEF described the principles as an excellent reference point which will serve as the international standard for the protection and assistance of IDPs. WFP welcomed the Principles as a well-formulated consolidation of relevant elements of existing international

human rights and humanitarian law, presented in clear, concise language which would increase international awareness of the specific problems internally displaced persons confront as well as the legal norms relevant to addressing their needs. The ICRC emphasized that the Guiding Principles do not alter or replace existing law, but instead provide useful guidance on how the law is to be interpreted in the context of internal displacement and, as such, should prove valuable to all those confronted with problems of internal displacement. IOM welcomed the finalization of the Guiding Principles and expressed its intention to ensure that its programmes conform to them and, in so doing, effectively address the phenomenon of displacement as well as the needs of the displaced.

25. Since the last session of the Commission, the IASC has undertaken a number of efforts pursuant to its decision regarding the Guiding Principles. As a first step, OCHA has published the Guiding Principles in English and French as a pamphlet available for wide dissemination. The Emergency Relief Coordinator, who chairs the IASC, has sent a letter to the United Nations resident/humanitarian coordinators, in their capacity of the field focal points for internally displaced persons, in all countries with internal displacement, encouraging them to disseminate the Principles widely to United Nations field staff as well as to governmental and non-governmental partners. International organizations have shared the Principles with their staff and several, such as UNHCR and WFP, have presented them to their executive bodies. The heads of a number of these agencies have further expressed support for the Principles before a variety of international forums.

26. OCHA field staff report that the Guiding Principles have been found to be useful in responding to internal displacement. The United Nations Humanitarian Coordination Unit (UNHCU) in the Sudan notes that the Guiding Principles are becoming the framework of its IDP Programme, through dissemination and training activities for staff as well as civil and military authorities. They have also been used in advocacy efforts with the Government. In Angola, the United Nations Humanitarian Assistance Coordination Unit (UCAH, from its Portuguese title: Unidade de Coordenação para Assistencia Humanitaria) has incorporated the Guiding Principles into its dissemination and training efforts for civil and military authorities as well.

27. OHCHR, as a standing invitee of the IASC, also has undertaken efforts to implement the decision relating to the Guiding Principles. To assist with dissemination efforts, the Principles are prominently posted on the Office's Website. The Office has shared the Principles with all staff, encouraging their use especially by field staff, relevant country and thematic special rapporteurs, the treaty bodies and in technical cooperation projects. The Commission, it should be recalled, has called upon relevant rapporteurs, working groups, experts and treaty bodies to seek information on situations which have created or could create internal displacement and to include relevant information and recommendations thereon in their reports. It also has called upon the Office to develop projects, in cooperation with Governments, relevant international organizations and the Representative, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation. OHCHR, in sharing the Guiding Principles with its staff, has suggested that the Principles, in

setting out the needs and rights of internally displaced persons, provide guidance which should be of assistance to the various mechanisms in implementing these requests.

28. Already, the Office has begun to apply the Principles in its work. The High Commissioner has referred to the Guiding Principles in her representations to Governments concerning the rights of internally displaced persons. Geographic desk officers have begun to refer to the Principles in their monitoring of country situations. Field staff of the Office also have applied the Principles. Particularly active in this regard is the OHCHR field office in Colombia, where there are an estimated 1 million internally displaced persons. The Office has used the Principles as a basis for its monitoring and advocacy efforts, having referred to the Guiding Principles on several occasions in public statements on the situation of internal displacement in the country. To build upon these various efforts, OHCHR recently has formulated a Global Project for IDPs for which a key objective is to provide support to field offices as well as headquarters staff in applying the Guiding Principles into their work. 2/

29. On the views of non-governmental organizations, it must be noted that three non-governmental umbrella organizations - InterAction, the International Council for Voluntary Agencies (ICVA) and the Steering Committee for Humanitarian Response (SCHR) - participate in the IASC and, as such, also are committed to implement its decision. Moreover, several non-governmental organizations were consulted in the preparation of the Principles and participated in the experts consultation at which these were finalized. Since that time, the membership of InterAction, ICVA and SCHR and of other relevant members of the non-governmental community have participated at a number of forums, convened during and since the last session of the Commission, where they have taken the opportunity to express positive views on the Guiding Principles to the Representative. In addition, InterAction convened a meeting of its membership in August 1998 to discuss the Guiding Principles with the Representative. The October workshop in Addis Ababa included key African non-governmental organizations, who expressed support for the Principles and their intention to use them (see Add.2).

30. Apart from these forums, the favourable response of non-governmental organizations to the Principles is arguably best evidenced by their active promotion and use of them. The Global IDP Survey of the Norwegian Refugee Council has appended the Guiding Principles to its recent publication Internally Displaced People: A Global Survey and, at the London launching of this survey, held a one-day workshop, in which the office of the Representative participated, to promote the use of the Principles by non-governmental organizations. The Forced Migration Review published by the Refugee Studies Programme in association with the Global IDP Survey recently has included several articles on the Guiding Principles 3/ and plans to disseminate the Principles in Arabic and Spanish to non-governmental organizations and other interested individuals in different parts of the world. A number of NGO newsletters, including Uprooted People of the Global Ecumenical Network on Uprooted People of the World Council of Churches, The Mustard Seed of the Jesuit Refugee Service/USA and On the Record of the Advocacy Group have dedicated special issues and supplements specifically to the Guiding Principles and the issue of internal displacement. 4/ The

Principles and articles relating to them also have been published in the International Review of the Red Cross 5/ and in the ICJ Review 6/ and will appear in a forthcoming issue of the Human Rights Tribune of Human Rights Internet. InterAction's newsletter, "Monday Developments", 7/ highlighted the Principles, and an article on the Principles also was published in the November 1998 issue of the RRN Newsletter. In addition to publishing the Principles, non-governmental organizations as well as individuals also have begun to use them as a basis for assessing the responses to specific country situations of internal displacement in various regions of the world. 8/

31. At the last session of the Commission, non-governmental organizations had stressed the importance of ensuring the wide dissemination of the Principles "so that internally displaced persons, organizations working on their behalf and government officials in affected countries, as well as the Representative of the Secretary-General and United Nations agencies, can benefit from them". 9/ Indeed, as a reflection of the level of interest in the Principles, the Representative and OHCHR continue to receive regular requests for them. In addition to responding to individual requests, the office of the Representative also has ensured that multiple copies of the Principles, in appropriate languages, have been made available to and brought to the attention of relevant forums, including the annual Executive Committee plenary meeting of UNHCR, the sixth conference of the International Research and Advisory Panel (IRAP) of the International Association for the Study of Forced Migration (IASFM) held in Gaza City in December 1998 and a number of region-specific international conferences on displacement, including the follow-up process to CIS Conference on Forced Migration 10/ and the international conference on Conflict and Forced Displacement in the Caucasus convened by the Danish Refugee Council in Copenhagen in September 1998. At this latter conference, the Chair, in a concluding statement, noted that the dissemination and the application of the Guiding Principles in the Caucasus would contribute to ensuring that the plight of internally displaced persons is addressed in a comprehensive manner.

32. Plans for worldwide dissemination of the Guiding Principles raise the issue of translation. The Principles, it will be recalled, already had been translated into all six official languages of the United Nations for their presentation to the Commission in 1998. At this time, the Representative should like to draw the Commission's attention to the fact that the French translation of the Guiding Principles has since had to be re-issued for technical reasons. In addition to their official language versions, the Principles also have begun to be translated into the local languages of countries affected by internal displacement, as a means of ensuring access to the Principles by local officials and populations. As noted above, UNHCR facilitated the translation of the Guiding Principles into Azerbaijani in connection with the Representative's mission to Azerbaijan. Also at the suggestion of the office of the Representative, the Georgian Young Lawyers Association has completed, with the support of UNHCR, the translation of the Principles into the Georgian language. In Angola, UCAH and its Government counterpart, the Ministry of Social Affairs (MINARS), jointly have provided for the translation of the Guiding Principles into Portuguese. And Amnesty International has translated the Principles into the Greek language.

33. International interest in the Guiding Principles has generated renewed interest in the translation and dissemination of the legal studies on which they were based. While the second part of the Compilation and Analysis has been translated into all official United Nations languages, the first part of the Compilation, owing to its considerable length, remains available only in English. In resolution 1996/52, the Commission had requested the Secretary-General to publish (as a sales document) the first part of the Compilation; in reiterating this request in resolution 1997/39, it further called for the rapid publication of the Compilation in all of the United Nations working languages. OHCHR has arranged for the publication of the Compilation in English, as No. 9 in its Study Series on Human Rights (Sales No. E.97.XIV.2), but lacks the resources for its translation into any of the other official languages. In response to a request from francophone delegations, OCHA is planning to ensure the French translation of the Compilation. Its translation into the other United Nations languages and the translation of the Guiding Principles into local languages, as appropriate, is another component of the recently formulated OHCHR Global Project for IDPs, to which the Representative strongly encourages donor Governments to lend their support.

34. In summary, it can be concluded that in the months since their presentation to the Commission, the Guiding Principles have rapidly gained standing and recognition as a useful tool for addressing situations of internal displacement as a result of their wide recognition by States, intergovernmental organizations, regional organizations and non-governmental organizations. Thus far, the feedback received by the Representative on the Principles has been positive, with the most frequently made comment being the need to ensure their application on the ground.

35. Towards meeting this challenge, a number of initiatives have been undertaken to provide practical guidance on the Principles. An annotated version of the Guiding Principles referring to the norms upon which these are based is being prepared by a member of the legal team that formulated the Principles. A field handbook for NGOs on the Guiding Principles also is being prepared with the support of the Brookings Institution Project on Internal Displacement. Within the framework of the IASC, UNICEF is taking the lead on a project providing examples of field practice in situations of internal displacement and relating these to the Guiding Principles, with the outcome of this survey expected to be produced in a field manual.

36. Training material on the Guiding Principles also is being developed. OHCHR has incorporated the Guiding Principles into its forthcoming manual on human rights reporting for field staff. The need for training in the legal norms dealing with the protection of and humanitarian assistance to internally displaced persons, as well as practical measures for providing them with protection and assistance, also has been emphasized by the IASC, 11/ which is undertaking to develop inter-agency training material on internal displacement. In addition, training in the Guiding Principles must extend beyond the IASC framework, to address all those actors involved with internally displaced persons, including international and regional peacekeepers. In recognition of the need for such training, the Lester B. Pearson Canadian International Peacekeeping Training Centre invited the office of the Representative to present the Guiding Principles as part of

its course on refugees and displaced persons in June 1998. Considering the wide variety of actors to whom training in the Guiding Principles should be provided is a question closely linked to the nature of the institutional framework for internally displaced persons, to which the focus of this report now turns.

II. THE INSTITUTIONAL FRAMEWORK

37. While the Guiding Principles represent the culmination of efforts to create an appropriate normative framework for internally displaced persons, efforts to develop an effective and comprehensive institutional framework have yet to achieve such definitive results. Providing protection and assistance to internally displaced persons, the Secretary-General underscored in his July 1997 Programme for Reform, is a humanitarian issue that continues to fall between the gaps of the existing mandates of the various agencies (A/51/950, para. 186). While this conclusion remains true today, a number of important steps towards narrowing the gap have since been taken.

38. To begin with, the Secretary-General has conferred upon the ERC the responsibility for ensuring that the protection and assistance needs of internally displaced persons are effectively addressed by the international community. This responsibility, the IASC has specified in its Recommendations Related to the Review of the Capacity of the United Nations System for Humanitarian Assistance which were finalized in October 1998, includes: (i) global advocacy on both assistance and protection requirements; (ii) resource mobilization and the identification of gaps in resources for internally displaced persons; (iii) in consultation with external institutions, promotion of the establishment of a database and global information on internally displaced persons, including monitoring and issuance of periodic situation reports; and (iv) support to the field on related humanitarian issues, including negotiation of access to internally displaced persons. 12/

39. Supporting the ERC in this role at the field level is the resident/humanitarian coordinator who, in full consultation with the inter-agency country team, is responsible for: addressing the humanitarian requirements of internally displaced persons before, during and after an emergency; serving as an advocate for the assistance and protection of the internally displaced; and recommending to the ERC the division of responsibility among agencies for the internally displaced. In carrying out the last function, the resident/humanitarian coordinator has the option to recommend to the ERC, in consultation with the in-country team and on a case-by-case basis, that a lead sectoral agency from among the relevant humanitarian organizations be designated to assume operational responsibility for internally displaced persons, including camp management where appropriate. 13/ It is noteworthy in this regard that the IASC recognizes UNHCR's operational expertise and experience over many years in providing protection and assistance to internally displaced persons, as well as the fact that its involvement with the internally displaced is guided by established criteria. 14/ While the resident/humanitarian coordinators have held such responsibility for several years now, the IASC recently has recommended that the terms of reference for resident/humanitarian coordinators be amended to explicitly state their responsibilities with respect to internally displaced

persons. 15/ In the interim, the ERC has drawn the attention of resident/humanitarian coordinators to their responsibilities in his letter to them providing the Guiding Principles.

40. At the Headquarters level, support to both the ERC and the resident/humanitarian coordinators in discharging their responsibilities relating to internally displaced persons is provided by the IASC Working Group (IASC-WG) which, since September 1997, has assumed responsibility as the main inter-agency forum for consultation on all matters relating to internally displaced persons. Terms of reference for facilitating this aspect of the Working Group's functions were finalized at its meeting of 3 June 1998. Towards the overall goal of enhancing the response of the international community to the needs of the internally displaced, the IASC-WG undertakes to: (i) regularly review all issues relating to internally displaced persons, ensuring that issues requiring attention and/or action by the ERC and the IASC are submitted to them with specific recommendations; (ii) review, endorse and/or amend specific field coordination arrangements recommended by the resident/humanitarian coordinator and country management team, including strategies and division of institutional responsibilities for the provision of assistance and protection to, and the reintegration of internally displaced persons at country level; (iii) provide guidance to the resident/humanitarian coordinator on all issues affecting internally displaced persons through, inter alia, the development of global strategies for ensuring protection, humanitarian/development assistance, and sustainable development solutions for internally displaced persons and support for the role of the United Nations High Commissioner for Human Rights; (iv) recommend to the ERC ways and means to address obstacles in the provision of assistance to and protection of internally displaced persons, with particular attention paid to the special needs of vulnerable groups among them, including women, children and the elderly; (v) promote respect for and observance of international law and principles, including the Guiding Principles on Internal Displacement, which apply to the prevention of internal displacement as well as to assistance, protection, reintegration and sustainable development solutions for internally displaced persons; (vi) support the identification and development of best practices on internally displaced persons, and the use of these as the basis for programmes; (vii) provide support for all aspects of the mandate of the Representative of the Secretary-General on internally displaced persons and closely collaborate with the Representative in the discharge of his functions; (viii) ensure that the needs of internally displaced persons are fully taken into account in resource mobilization processes; (ix) support, oversee and evaluate the pilot phase of the database of internally displaced persons and provide feedback to further improve the database, its dissemination and use wherever appropriate; and (x) support and oversee the development and use of materials for training and capacity-building on the issue of internal displacement. To facilitate its undertaking these various tasks, the IASC-WG has made matters relating to internally displaced persons a standing item on its agenda.

41. Returning to the four broader responsibilities relating to internally displaced persons that are assigned to the ERC, the past year has witnessed developments in each of these areas. First, with respect to advocacy on assistance and protection issues, the ERC and the Representative have met on several occasions over the course of the last year, to discuss collaboration

between them. It should be recalled that the IASC has recommended that the Representative focus on advocacy for the protection and assistance of internally displaced persons. 16/ One reflection of the collaboration between the ERC and the Representative in this respect is their joint organization of the briefing during ECOSOC on internal displacement. The Representative and the ERC also have discussed the possibility of convening special meetings on specific country situations, especially following missions by either one of them to examine situations of internal displacement. Moreover, the ERC has raised the possibility of inviting the Representative, on an ad hoc basis, to present the findings and recommendations of his country missions to the Executive Committee on Humanitarian Affairs as the Representative already has done in the IASC-WG.

42. The ERC and the Representative also have considered it beneficial to involve the High Commissioner for Human Rights in their discussions of joint strategies for advocacy on protection and assistance for the internally displaced. At a tripartite meeting, the Representative reflected that while the ERC focused on the humanitarian assistance side of internal displacement and the High Commissioner for Human Rights focused on protection, the role of his mandate is to try to link the two aspects to ensure a comprehensive response to the needs of internally displaced persons. The assistance of both offices in the guidance and preparation of the Representative's country visits and, especially, in the follow-up to them was noted as essential. Their support also was solicited in working out a coordinated strategy for addressing particularly difficult situations of internal displacement that pose a challenge to international cooperation. Joint stands and mutual support in such cases might prove effective in overcoming these obstacles. All three agreed to continue this process of consultation in defining their respective roles in the advocacy and protection of internally displaced persons and, towards this end, to jointly prepare a substantive paper on the protection of internally displaced persons which, it has since been agreed, will be shared with their other partners in the inter-agency framework through its presentation to the IASC-WG.

43. Second, the responsibilities of the ERC in the area of resource mobilization are of critical importance given the absence of reliable funding for meeting the needs of the internally displaced. At the workshop on internal displacement in Africa, several participants noted the discrepancy in the resources made available for addressing the needs of internally displaced persons, compared with those allocated for refugees (Add.2, para. 7). Opportunities for addressing this concern have arisen with the ERC's introduction into the consolidated appeals process (CAP) of a new approach towards planning the United Nations system's response to emergency situations and developing a common humanitarian action plan or strategy for alleviating suffering and promoting recovery. The Representative, in response to a letter from the ERC to the IASC outlining these plans for the CAP, advocated that the new humanitarian strategy systematically address the particular protection and assistance needs of internally displaced persons since many of the countries for which CAPs are prepared are situations of internal displacement. A proposal to this effect was put forth by the office of the Representative to the IASC-WG at its 18 September 1998 meeting. The IASC-WG concurred with this suggestion by calling for it to be applied to the preparation of the CAP documents for 1999 that was under way at the time. There are already some

encouraging signs in this regard. For example, in Rwanda, covering the needs of internally displaced persons in the north-west of the country is the primary purpose for which the country team has recommended an extension of the CAP to May 1999. 17/ It is to be hoped that the IASC-WG's directive on the matter will indeed ensure greater attention to the needs of internally displaced persons in all cases where this is required. Doing so routinely would be an important means of injecting the required predictability into efforts of resource mobilization for addressing the needs of the internally displaced.

44. Aside from the CAP, the IASC's standing invitation to the World Bank also is relevant to the issue of resource mobilization for the internally displaced. The World Bank has decided to undertake efforts for the reintegration of displaced persons as part of its new area of activity in post-conflict reconstruction and is considering the most appropriate ways to achieve this, including the creation of a global fund for post-conflict situations. 18/ In Azerbaijan, the Representative witnessed first-hand the commitment of the World Bank to support the sustainability of the return process for internally displaced persons (see Add.1). Owing to its increasing involvement with the internally displaced, the participation of the World Bank in the IASC and, in particular, the IASC-WG is most welcome.

45. The third area of responsibility for the ERC on the issue of internal displacement relates to information management. On account of the fact that there exists no mechanism within the United Nations system for systematically collecting, receiving and analysing information on internal displacement, the establishment of a global information system on internally displaced persons long has been advocated by the Representative. The pool of information required for incorporation in such a system includes the causes and patterns of contemporary situations of internal displacement, the degree of access that affected populations have to basic services, their protection concerns, the capacity and willingness of Governments to address their protection and assistance needs, and the response of the international community to their plight (E/CN.4/1995/50, paras. 98-99). Gender-specific information, including the number and the specific needs of female-headed households and school-aged girls, also is required. The Commission, in resolution 1995/57, encouraged the Representative to pursue the setting up of a more coherent system of data collection on issues related to the situation and protection of internally displaced persons and, in resolutions 1996/52, 1997/39 and 1998/50, encouraged relevant humanitarian assistance and development organizations to collaborate, especially through the IASC, with the Representative in this regard.

46. Initially, the Representative and the ERC had agreed, in a letter of understanding of 2 August 1996, to cooperate in the establishment of an information system on internally displaced persons which would be managed and maintained by what was then the Department of Humanitarian Affairs (DHA). However, at the recommendation of the ERC and with the support of the Representative, the IASC-WG decided at its 9 September 1997 meeting that the establishment of the database should be undertaken in consultation with external institutions. Pursuant to this decision, the IASC-WG subsequently decided at its 19-20 November 1997 meeting to outsource to the Norwegian

Refugee Council (NRC)'s Global IDP Survey the task of undertaking a six-month feasibility study on the establishment of the database. OCHA, UNDP, UNHCR, UNICEF and WFP provided financial support for this process.

47. Upon completion of the feasibility study and the review of its findings, including by the inter-agency Reference Group on the database in which the office of the Representative participates, the IASC-WG decided at its 26-27 November 1998 meeting to encourage the NRC/Global IDP Survey to proceed with the implementation of the database. At the same time, the IASC-WG recognized that full implementation of the project would require further refinement and review of a number of issues, such as the sensitivity of data, the total budget amount, the database objectives and the agreed list of indicators, and accordingly encouraged the NRC to promote inter-agency consultations to address these issues. Finally, the IASC-WG encouraged all IASC members to collaborate and participate in the implementation of the project and to demonstrate their commitment by contributing resources and by supporting the NRC in its efforts of resource mobilization with donors.

48. Inter-agency consultations since have been held on the database project, with plans for the Reference Group to continue to review the project as it progresses. It will be particularly important that at least the non-sensitive information collected by the project on current situations of internal displacement be not only incorporated into the database but also shared with the Representative, the ERC and the IASC at large, in support of their advocacy efforts. In particular, the information collected by the database project could assist the ERC in discharging his express responsibility for information management on internally displaced persons through the issuance of periodic situation reports. Regularly updated information on situations of internal displacement is essential to ensuring that specific situations of internal displacement warranting the attention of the international community are not overlooked or forgotten.

49. The fourth responsibility of the ERC relating to internally displaced persons, to provide support to the field, including the negotiation of humanitarian access, is purposefully broad in scope in order to allow flexibility in responding to specific needs as they arise. In the ERC's efforts to negotiate humanitarian access, the Guiding Principles should provide useful support as they would enable him to base his arguments not only on humanitarian ideals but on legal provisions from which a number of Principles relating to access are distilled. Principle 25 provides that international humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced, that such an offer shall not be regarded as an unfriendly act or an interference in a State's affairs and shall be considered in good faith, and that consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance. It further provides that all authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced. Principle 26, relating to the safety of access, provides that persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected and shall not be the object of

attack or other acts of violence. Principle 30 sets out guarantees for rapid and unimpeded access to internally displaced persons in order to assist them in the return or resettlement and reintegration phase.

50. In specific situations where problems of securing rapid, safe and unimpeded access to internally displaced persons arise, the ERC and the Representative or the IASC as a whole could take joint stands referring to the guarantees provided for in the Principles. The IASC also could recommend, as part of its support of the implementation of the Secretary-General's recommendations to the Security Council on the protection of humanitarian assistance to refugees and others, that the Security Council issue statements with respect to humanitarian assistance in particularly serious situations. Problems of access and the safety of humanitarian personnel were a main focus of the report of the Secretary-General to the Security Council (S/1998/833) and the Council's recent debate on this issue (see S/PV.3932).

51. Aside from the negotiation of humanitarian access, support to the field in ensuring that the protection and assistance needs of the internally displaced are met can, as the terms of reference (TOR) of the IASC-WG recognize, take many forms. These include reviewing the specific field coordination arrangements recommended and providing guidance on all issues affecting internally displaced persons through, inter alia, the development of global strategies for ensuring protection, humanitarian and development assistance and sustainable development solutions for them. Also relevant is the IASC-WG's initiative, on which UNICEF is taking the leading role, to identify instructive field practices relating to internally displaced persons in order to provide guidance in the development of future programming and field activities. An equally important and related form of support to field staff is the IASC-WG's above-mentioned support for and oversight of the development and use of materials for training and capacity-building on the issue of internal displacement.

52. In all of these areas of responsibility, the current ERC, Sergio Vieira de Mello, who assumed his post on 1 January 1998, has demonstrated interest in forging a strong cooperative relationship with the Representative. Over the course of the past year, the Representative and the ERC have held a number of fruitful discussions for the purposes of clarifying their respective roles, fostering cooperation between them and strengthening their capacities to address the global problem of internal displacement. The ERC has stated from the outset that his responsibilities relating to internally displaced persons rank high on OCHA's list of priorities and, indeed, the past year has provided strong evidence of this commitment.

53. To begin with, the ERC took the necessary steps to activate the Representative's recommendation, the implementation of which was encouraged by the Commission (resolution 1998/50), that relevant humanitarian and development organizations should each designate a focal point on internally displaced persons. Specifically, the ERC wrote to all agencies of the IASC asking them to designate such a focal point. This system of focal points, which is now coming into place, has proven to be an important means of facilitating inter-agency collaboration on all matters relating to internally displaced persons, by identifying individuals within each organization or

agency who are familiar with the issue of internal displacement and of the various initiatives being undertaken in inter-agency frameworks to address it.

54. Of course, as the Representative highlighted in his last report to the Commission, the effective functioning of such a network of focal points requires a coordinating mechanism. To fulfil this function, the ERC agreed to establish within OCHA the post of Senior Adviser on Internally Displaced Persons, recruiting such a person through secondment from the ICRC and with financial support from the Government of Switzerland. In addition to acting as the pillar in the network of focal points, the ERC and the Representative envisaged that the Senior Adviser would support both of them in discharging their responsibilities relating to internally displaced persons, especially in inter-agency frameworks. This arrangement, delayed by unforeseen complications in the appointment process, is expected to be in place in 1999.

55. In his capacity as the Chair of the IASC, the ERC likewise has demonstrated strong leadership, of the type that the Representative noted in his last report was required, to ensure that inter-agency consultations result in a more comprehensive and coordinated response to internal displacement. In addition to supporting the various initiatives on internally displaced persons being undertaken within the IASC framework, the ERC also has ensured that the issue of internal displacement is placed firmly on the IASC agenda. This support has taken the form of creating an environment in the meetings of the IASC and its Working Group conducive to the active participation of the Representative (who has been a standing invitee to these forums since September 1997) or his staff. Over the course of the past year, the Representative has found that the majority of the issues addressed within the IASC framework - whether relating to the promotion of protection principles, the humanitarian impact of sanctions, gender and humanitarian assistance or to specific country situations - are relevant to the internally displaced. As such, the change from the previous arrangement, according to which the Representative was to be invited to the IASC meetings only on an ad hoc basis, has proven to be particularly positive for the work of the mandate.

56. Notwithstanding the frequent relevance of several agenda items to internal displacement, the designation of the IASC-WG as the main inter-agency forum for consultations on internal displacement has warranted its focused attention to the issue on a systematic basis. Accordingly, the Representative recommended and the IASC-WG agreed at its 3 June 1998 meeting that the issue of internally displaced persons henceforth would be a standing item on its agenda the coordination of which the office of the ERC and of the Representative share responsibility. To date, the issues considered under this agenda item have included: finalizing the IASC-WG TOR on internally displaced persons; reviewing progress on all ongoing initiatives, namely the promotion of the Guiding Principles, the development of the database, the compilation of field practices and the development of training material; and briefings by the Representative on the consideration of the issue of internally displaced persons by the Commission at its last session and on the activities of the mandate, including country missions.

57. In addition to continuing to consider such issues, the IASC-WG discussed, at its final meeting for 1998, the need to take a more operational approach to internal displacement in future. In this connection, over the

course of 1999 OCHA will undertake country-by-country reviews of protection and assistance arrangements for internally displaced persons. On the basis of the findings of this review, the IASC-WG could, in keeping with its TOR on internally displaced persons, make recommendations for strengthening these arrangements, wherever room for improvement exists. Another means of sharpening the Working Group's operational focus would be to discuss in detail the findings and recommendations of the Representative's missions or country studies and jointly develop more effective ways of responding to them. This process very usefully could begin with consideration by the IASC-WG of the Representative's report, on his mission to Azerbaijan (E/CN.4/1999/79/Add.1), especially as a number of the findings and recommendations relate directly to the work of members of the IASC. It is noteworthy in this regard that the Working Group, at its November 1998 meeting, noted with grave concern the deteriorating situation and growing humanitarian needs in many of the former Soviet republics and stressed the importance of strengthening humanitarian advocacy for the region.

58. There is also a need for the IASC-WG to revert to specific country situations of concern raised by the Representative, outside the Working Group's routine consideration of the most pressing humanitarian crises at the time of its quarterly meetings. While it is true that virtually all the cases considered by the IASC-WG over the course of 1998 (Afghanistan, Central America, Colombia, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Eritrea/Ethiopia conflict, the Great Lakes Region, Guinea-Bissau, Kosovo/Albania, the Russian Federation and the Sudan) are situations of internal displacement, it is also important that other serious but less "newsworthy" situations receive attention, as appropriate. The situation of internal displacement in Uganda, for instance, raises protection and assistance concerns warranting greater attention on the part of the international community. Accordingly, and based on information received from a number of sources including from within the country, the Representative shared with the IASC secretariat a background paper prepared by his office on the crisis and the humanitarian concerns requiring attention. This paper was shared with the country management team and revised accordingly to incorporate its comments which, notably, indicated that the number of internally displaced persons was significantly larger than had been understood to be the case and that a number of the concerns raised in the background paper remained valid. The revised paper was circulated to the IASC membership in January 1998. More recent reports on the deteriorating conditions of the internally displaced in Uganda 12/ underscore the need for the IASC-WG to formally review this situation.

59. In addition to simply responding to the findings of the country visits and studies of the Representative, the IASC-WG or, at least, its individual members also could recommend countries which he should visit. The High Commissioner for Human Rights recently has done so, in relation to Colombia (see section III). The IASC-WG as a whole could be encouraged to do the same, in keeping with the provision in its TOR on internally displaced persons to provide support for all aspects of the mandate of the Representative and closely collaborate with the Representative in the discharge of his functions. It must be noted in this regard that a number of individual IASC members provided support in the carrying out of the Representative's recent mission to Azerbaijan. In advance of the mission, the office of the Representative had

advised IASC members of his plans and requested information on their respective activities relating to the internally displaced in the country, consulting with several of their headquarters country desks. This advance notice of the mission proved beneficial during the visit, as agencies had been given time to prepare briefing notes and to ensure, to the extent possible, that their country representatives would be available to meet with the Representative. The logistical support provided by the resident coordinator, UNDP and UNHCR was particularly welcome. It thus seems to the mutual benefit of all concerned that IASC support for the work of the Representative, and in particular his country visits, occur at the field as well as at the Headquarters level. Providing support - substantive, logistical and follow-up - for the missions of the Representative is just one of the ways in which the IASC can take more of an operational approach to the problem of internal displacement and, in so doing, build upon the significant developments made to date in the enhancement of the institutional framework.

60. In addition to examining and working to enhance institutional arrangements for the internally displaced in international frameworks, for several years now the Representative also has undertaken parallel efforts at the regional level. The findings of the Representative in this regard have been highlighted in previous reports to the Commission, including that presented at its last session (paras. 44-47). More detailed information on the role of regional as well as subregional organizations with internally displaced persons and specific recommendations as to how this role can be enhanced have been set out in the comprehensive study on internal displacement, Masses in Flight: The Global Crisis of Internal Displacement, co-authored by the Representative and Roberta Cohen and published by the Brookings Institution in 1998. 20/ As a follow-up to the study, the Representative has begun to intensify his cooperation with regional as well as subregional organizations in order to promote their active engagement in addressing the protection and assistance needs of the internally displaced. The Commission, in resolution 1998/50, welcomed the initiatives undertaken by regional organizations, such as the OSCE, the OAU and the OAS, to address the assistance, protection and development needs of internally displaced persons, and encouraged them to strengthen these activities and their cooperation with the Representative.

61. As noted in section I, representatives of the OAU, the OAS and the OSCE were invited to the Expert Consultation on the Guiding Principles that was held in Vienna. Legal and human rights experts from Asia and the Middle East, where no comparable regional organizations exist, also participated in the meeting. Specific sessions of the meeting devoted to examining regional strategies for promoting and applying the Principles benefited from the presentations made and perspectives shared by these experts.

62. With the Guiding Principles finalized, the Representative has now begun to focus on fostering regional initiatives for their promotion and application. An essential first step towards this end is to raise awareness of the Principles among all relevant regional and subregional organizations and arrangements. To date, the Representative has formally brought the Guiding Principles to the attention of the OAU, ECOWAS, SADC, IGAD, the OAS Inter-American Commission on Human Rights and the OSCE, encouraging them to use the Principles in their activities on behalf of the internally

displaced. Plans are under way to do the same with other regional organizations, including the Council of Europe and the European Community.

63. The aim of raising awareness of the Guiding Principles also has been served by the participation of the Representative's office in regional conferences on displacement: the OAU ministerial and experts' meetings on refugees, returnees and displaced persons held in Khartoum in December 1998; the OAU regional seminar on enhancing the participation of returnees, refugees and internally displaced women and children in reintegration, reconstruction, rehabilitation and peace-building held in Addis Ababa in October; the third meeting of the Steering Group meeting of the CIS Conference process, held in Geneva in June; and the Conference on Forced Displacement in the Caucasus convened by the Danish Refugee Council in Copenhagen in September. At each of these forums, the office of the Representative made available copies of the Guiding Principles in appropriate languages and delivered statements setting out their scope and purpose and encouraging their application. The responses of these meetings to the Principles has been noted above (sect. I).

64. More active promotion at the regional level of the use of the Guiding Principles and of the greater engagement of regional and subregional organizations with the issue of internal displacement is being undertaken through a series of regional workshops on internal displacement that the Representative is co-hosting, with the support of partner organizations, over the course of 1998-1999. The objective of these workshops is to promote the dissemination and application of the Guiding Principles throughout the region concerned and to explore ways of enhancing regional, subregional and local approaches to the problem of internal displacement.

65. As mentioned earlier, the first such workshop, focusing on the problem of internal displacement in Africa, was held in Addis Ababa on 19 and 20 October 1998. As Africa is the continent most seriously affected by the problem of internal displacement, it was only appropriate to give priority to this region. There are currently 8-10 million internally displaced persons in Africa, amounting to around half of the worldwide total. Up to 21 States in the continent have significant populations of internally displaced persons. Moreover, there are worrying indications of growing numbers of internally displaced persons and countries affected and of deteriorating conditions for those populations already uprooted.

66. On the positive side, the Addis Ababa workshop provided a reflection of the type of cooperative relationships required for addressing the crisis of internal displacement in Africa. The workshop was jointly convened by the Brookings Institution Project on Internal Displacement, UNHCR and the OAU. The 55 participants, predominantly based in Africa, represented a broad cross-section of international organizations, regional and subregional bodies, non-governmental organizations and research institutions. The participants brought different perspectives to the meeting, based on the nature of their involvement and experience with the internally displaced, which enriched the discussions.

67. After introductory sessions providing an overview of the problem of internal displacement in general and an introduction to the Guiding Principles, the two-day workshop focused its discussions on the application of

the Principles in Africa by examining a number of specific issues: the scope and scale of internal displacement in Africa, the issue of sovereignty, working on both sides of conflict situations, integrating protection and human rights into relief and development operations, protecting women and children, and involving displaced communities. The role of regional and subregional organizations, which was a common theme arising in the discussions, was explored in greater detail in a special session. A final session of the workshop reviewed the main conclusions and recommendations which emerged over the course of the discussions. These are set out in the report of the workshop (see Add.2), which has been disseminated at the aforementioned OAU experts and ministerial meetings held in Khartoum in December 1998.

68. Several of the recommendations set out in the report pertain to the role of Africa's regional and subregional organizations in addressing the problem of internal displacement. Welcoming the OAU's growing interest and involvement in the issue of internal displacement, the workshop encouraged the OAU as well as Africa's subregional organizations to endorse, disseminate and promote the Guiding Principles on Internal Displacement. The workshop also identified four additional ways in which the regional and subregional organizations of Africa could address the issue of internal displacement more effectively. First, the OAU could establish within its secretariat a focal point, and possibly even a dedicated unit, for the issue of internal displacement. This focal point or unit could, inter alia, collect data on internal displacement in Africa and monitor the dissemination and implementation of the Guiding Principles. Second, regional and subregional organizations in Africa could assist the work of the Representative by facilitating his field missions and by ensuring that he is able to appraise and report on the situation in African countries. Third, when peacekeeping or peace enforcement operations are launched by regional and subregional organizations in Africa, these should include a civilian component, staffed by officials who are familiar with international human rights and humanitarian law. At the same time, such operations could benefit from better training, stricter controls, more effective codes of conduct and higher levels of accountability. Close and continuous monitoring by the OAU and the United Nations would provide a means for these objectives to be achieved.

69. Building upon the experience of the Addis Ababa workshop, plans currently are under way for the holding of similar meetings in other regions of the world. To coordinate the convening of these meetings, as well as other activities and research relating to internal displacement, a consortium consisting of the Brookings Institution Project on Internal Displacement, the US Committee for Refugees and the NRC/Global IDP Survey has been formed. The US Committee for Refugees is taking the lead in organizing the workshop on internal displacement in the Americas, to be held in Bogota from 28 to 30 May 1999 and co-sponsored by the Brookings Institution Project and a local organization. In addition to promoting awareness and use of the Guiding Principles, this meeting aims to strengthen local capacities and networks among the many non-governmental organizations in the region which already are actively engaged in the issue of internal displacement. For South and South-East Asia, the consortium plans to support Forum Asia, a leading Thai human rights non-governmental organization, and Chulalongkorn University in co-hosting a regional conference to be held in Bangkok.

70. Parallel to this process of convening region-wide conferences, seminars also are being organized at the national level in certain countries. On 20 July, a seminar on "Internally Displaced People: International Commitments" was co-hosted by the NRC/Global IDP Survey and the Overseas Development Institute of the United Kingdom. This seminar, in which the office of the Representative and a member of the legal team which drafted the Guiding Principles participated, brought together non-governmental organizations, academic researchers and UNHCR officials based in the United Kingdom to discuss the Guiding Principles, the role of UNHCR in the protection of internally displaced persons and case-study presentations on Colombia and northern Sudan. For 1999, plans are under way for the NRC/Global IDP Survey and OCHA to jointly convene, with the support of the International Development Research Centre (Canada), a two-day conference on internal displacement in Angola, to be held in Luanda in the spring. The conference, in which the Representative is planning to participate, will bring together local non-governmental organizations, government officials and representatives of international agencies and non-governmental organizations to promote dialogue among them on the protection and assistance needs of the internally displaced in Angola, to encourage them to share their practical experiences in this regard and to promote their use of the Guiding Principles. The NRC/Global IDP Survey also is planning to host a workshop in Uganda in the spring which would bring together government officials and local non-governmental organizations working directly with the internally displaced, as well as representatives of displaced communities, to explore ways of applying the Guiding Principles in order to strengthen national and local responses to the serious situation of internal displacement in that country. These various conferences and workshops should help to strengthen the institutional framework at the regional, national and local levels as well as among them and with the international community.

III. THE COUNTRY FOCUS

71. The effectiveness of developments at the international, regional and national levels are best measured by the actual conditions of the internally displaced. Country missions remain the most effective means of gaining insight into the problem of internal displacement in a particular country and the effectiveness with which it is being addressed. To date, the Representative has undertaken 13 country visits in connection with the mandate: to Burundi, Colombia, El Salvador, Mozambique, Peru, the Russian Federation, Rwanda, Somalia, Sri Lanka, the Sudan, Tajikistan and the former Yugoslavia and, in this past year, to Azerbaijan. In visiting these countries, the Representative has developed an understanding of the various dimensions of the problem of internal displacement as well as the common threads linking them.

72. Over the course of his visit to Azerbaijan this past year, the Representative found several similarities with many other situations of internal displacement that he has visited. The situation is characterized by conflict-induced flight of large numbers of people along ethnic lines. On account of having had to abandon their homes, property and livelihood, they suddenly found themselves among the poorest and most vulnerable of society. The displaced populations, and particularly large numbers of women and

children, are found congregated in camps and public buildings, often in conditions of severe deprivation and largely dependent upon outside assistance to meet their basic needs.

73. A less common characteristic of internal displacement that is evident in Azerbaijan is the strong sense of solidarity between the Government and the displaced. This feature stems from the nature of the conflict causing the displacement, which has an external dimension, and the ethnic kinship existing between the national authorities and the overwhelming majority of the internally displaced. As a result, and unlike in many other countries, the internally displaced of Azerbaijan are not associated by the authorities with the "enemy" and targeted for abuses and attack on that basis. Serious problems relating to the protection of the life and physical security of the displaced, as often arise in situations of internal displacement, do not appear to exist.

74. Nevertheless, the situation in Azerbaijan underscores that protection for the internally displaced must extend beyond safeguarding their physical security to also encompass the broad range of economic, social, civil and political rights provided for under international human rights law. The rights to food, to shelter, to basic health care, to education, to employment and to freedom of movement, for instance, fall, by virtue of their nature as rights, within the meaning of protection and are fully deserving of attention. The Representative found that many of the internally displaced of Azerbaijan have significant needs in these various areas which remain outstanding.

75. It must be recognized that the international community has undertaken considerable efforts towards meeting the basic needs of the internally displaced in Azerbaijan. Yet, it is also true that after several years of continuing to provide emergency-type assistance long after the initial crisis has passed, donors and humanitarian agencies alike are looking to pursue more durable solutions. Notably, the displaced themselves are becoming weary of being dependent upon hand-outs and are anxious to become self-reliant. Impeding progress in this regard, however, is the effect of the overriding emphasis placed by the Government on the solution of return. While the return of the internally displaced to their home areas is a goal that the affected populations themselves clearly share, they also recognize that it must be contingent upon an end to the conflict and guarantees for their safety. With negotiations among the parties to the conflict having suffered significant setbacks this past year, it is particularly difficult to predict when these conditions actually will be met. Meanwhile, many of the displaced remain in temporary accomodations, including weather-worn tents, dilapidated railway cars and overcrowded public buildings, left in a legal, social and economic limbo that is nothing short of inhumane.

76. Under these circumstances, there is an urgent need to pursue, in parallel to the process for peace and the possibility of return that it holds, alternative or at least interim solutions for the internally displaced. In particular, greater support on the part of the Government for training programmes, income-generation activities and the construction of more permanent shelter for the displaced is required. The Representative is encouraged by the fledgling steps recently taken by the Government in these

directions and by the receptivity of some senior officials with whom he met to explore additional initiatives, particularly in the area of training, to promote strategies of self-reliance for the displaced.

77. While intensifying the search for durable solutions, it is also essential to not lose sight of the fact that for many of the displaced their most basic needs for food, shelter and medical services currently are not being fully met. Moreover, given the present state of the economy, the self-sufficiency of the displaced is bound to take some time to cultivate and, consequently, the need for humanitarian assistance to meet basic needs will remain for some time to come. A wholesale transition from relief to development is therefore premature. Under these circumstances, it is particularly worrying that funding constraints currently are forcing a withdrawal or considerable scaling-down of several programmes of international agencies and organizations addressing the basic humanitarian needs of the displaced.

78. To be sure, the Government must be expected to assume greater responsibility for addressing the needs of its internally displaced populations. But the international community must recognize that the magnitude of the displaced population and the difficult period of post-Soviet economic transition that the country is experiencing presently limit the ability of the Government to address the reeds of the displaced singlehandedly: international assistance continues to be required.

79. While resource constraints may limit the Government's ability to meet the material needs of the displaced, there nonetheless are several important measures, involving little or no financial implications, which the Government could undertake to improve its response. These include: improving coordination between national and local authorities involved in addressing the plight of the displaced; reforming legislation governing the activity of non-governmental organizations in order to create an environment more supportive of their work; safeguarding the right to freedom of movement and choice of residence for the displaced; and ensuring that internally displaced persons are not excluded from or otherwise negatively effected by the process of land privatization currently under way. The implementation by the Government of such initiatives would provide the international community with strong indication of willingness on the part of the Government to assume, to the extent possible, its responsibilities towards its own people and, consequently, could help to convince the international community to continue to assist the national authorities in meeting the humanitarian as well as development needs of the displaced.

80. As noted above, over the course of the mission, the Representative detected a willingness on the part of government officials to work towards promoting the self-reliance of the displaced while at the same time strengthening its own capacity to meet their immediate basic needs. International agencies and the donor community, with whom the Representative shared this finding, noted that they welcomed it and would be interested in working with the Government in this direction. On the basis of these indications, the Representative began to explore with government officials and representatives of the humanitarian, development and diplomatic community the possibility of convening a meeting for the purpose of devising a common

strategy for meeting the immediate, medium and long-term needs of the internally displaced of Azerbaijan. Encouraged by their positive response to this suggestion, the Representative also has shared it with the Secretary-General and the Emergency Relief Coordinator as well as with the IASC-WG. In order not to lose the momentum of interest expressed in this idea, it would be important, particularly now that the Representative's full report on his mission is available, to proceed with the plans for this meeting as well as to devote attention to the other recommendations emanating from the mission.

81. Follow-up is a particularly important aspect of country visits. Often, as in the case of the mission to Azerbaijan, very specific suggestions are made which require implementation. It is important that information about their implementation be communicated to the Representative so that he can adjust his monitoring and advocacy efforts accordingly and give credit where it is due. When recommendations are not implemented, informing the Representative of the obstacles faced could facilitate their eventual realization. For instance, implementation might be impeded for want of resources; bringing this problem to the attention of the Representative would allow him to raise the issue with those in a position to respond. The Representative's experience in Azerbaijan as well as other countries he has visited has evidenced the potential contribution that can be made by bringing together relevant actors, that is, those signalling the need and those in a position to respond to it. The Commission, in addition to thanking Governments who have invited the Representative to visit their countries also has invited them to give due consideration, in their dialogue with the Representative, to his recommendations and suggestions and to make available information on measures taken thereon.

82. The nature of the mandate involves the Representative engaging in dialogue not only with Governments in the countries having situations of internal displacement but also the international organizations and agencies with a role to play in meeting the protection and assistance needs of the internally displaced. These latter also have an important role to play in the follow-up process. Their contribution in this regard can be considered as part of the support for the efforts of the Representative that they have been called upon by the Commission to provide. The Secretary-General, in correspondence with the Representative relating to the mission to Azerbaijan, has welcomed the Representative's initiative to share the findings of his mission with the ERC, the IASC Working Group and other relevant United Nations bodies, noting that these have an important role to play in furthering the recommendations resulting from the mission and underscoring that in dealing with internally displaced persons it is essential to foster a concerted international response by adopting a collaborative approach. To this end, the Representative is intending to submit an abridged version of his full report on his mission to Azerbaijan for circulation to the IASC membership as a background paper for what he would propose to be an in-depth consideration by the Working Group of the situation of internal displacement in Azerbaijan and how its membership can best support efforts to effectively address it. The Working Group's positive response to this request would be in line with the provisions in its TOR to provide support for all aspects of the mandate of the Representative and to closely collaborate with him in the discharge of his functions. It would also be consistent with its recent call to focus more on

the operational field dimension of internal displacement and, in a separate suggestion, to devote more attention to the humanitarian situation in the Caucasus, among other countries.

83. Ideally, of course, follow-up would take the form of a return visit by the Representative. The number of countries with internal displacement which the Representative potentially could visit compared with the limited resources presently at his disposal means that this is not a realistic option as a primary means for follow-up. Nonetheless, it is important to pursue possibilities in this regard, particularly relating to countries where the situation of internal displacement has deteriorated or has changed considerably with new needs having arisen. This unfortunately is the case in a number of the countries that the Representative has visited, including Burundi, Rwanda, Somalia, Sri Lanka, the Sudan and those of the former Yugoslavia. It is also very true of the situation of internal displacement in Colombia, which the Representative hopes to reassess through a follow-up visit at the end of May.

84. The Representative is hoping to use the occasion of his presence in Bogotá for the aforementioned regional conference on the Americas in May to also undertake an official follow-up visit in Colombia, further to his mission there in 1994. Since that time, the situation of internal displacement has deteriorated significantly to now affect an estimated 1 million persons, with new displacements continuing to occur. In his last report to the Commission, the Representative highlighted the need to establish a greater international presence in the country. In this connection, the Representative wrote to the United Nations High Commissioner for Refugees, calling upon her Office to become engaged with the situation of internal displacement in Colombia by establishing a presence in the country. He also wrote to the High Commissioner for Human Rights, to advocate the strengthening of the OHCHR presence in the country and the establisnment of a continuous presence in affected areas outside the capital. The subsequent decision of UNHCR to establish an office, albeit a small one staffed by two professionals, in Bogotá, and of OHCHR to strengthen the capacity of its presence in the country is thus welcome. So too is the designation from within existing staff of the OHCHR office of a focal point on internally displaced persons, with whom the office of the Representative has had exemplary cooperation in terms of regular contact for information-sharing, consultation on the drafting of national legislation relating to the internally displaced, and dissemination of the Guiding Principles. There remains a need, however, for OHCHR and UNHCR alike to strengthen their presence further in order to allow the establishment of field offices or, at least, more regular and prolonged visits to the field than can be undertaken at present.

85. The Colombian Government, for its part, has undertaken a number of measures towards improving the national response to the situation of internal displacement, in line with the Representative's recommendations from his initial visit to the country in 1994 (E/CN.4/1995/50/Add.1). In the document issued by the Government in September 1995, 21/ the Government incorporated recommendations made by the Representative, particularly by developing a number of mechanisms for addressing the needs of the displaced. Foremost among these was the creation of a "National Programme for Integrated Attention to the Population Displaced by Violence". This development was particularly

significant in that it reflected a recognition by the Government that violence is the main cause of displacement. Previously, the Government's definition of the internally displaced had referred to "natural or man-made disasters, or other circumstances originating from prior situations likely to drastically disturb the public order." 22/ Recognition that violence is the source of displacement also finds reflection in the legal framework, which has been strengthened for the internally displaced, most notably with the adoption, in July 1997, of Law 387 affirming, inter alia, the right to receive international aid, the right to enjoy internationally recognized civil rights, the right not to be discriminated against because one is displaced, the right to be reunited with family members, the right to find durable solutions to displacement, the right to return to the place of origin and the right not to be displaced. 23/ While the importance of these initiatives must be recognized, so too must the need for the Government to devote greater political support and resources in order to ensure their effectiveness. Given the change of political leadership in Colombia in 1998, a return visit by the Representative to discuss this and other recommendations for enhancing the national response 24/ would be particularly timely.

86. Extending an invitation for the Representative to undertake a follow-up visit to Colombia constituted one of the recommendations made by the High Commissioner for Human Rights in the course of her dialogue with government officials during her visit to Colombia in October 1998. The Representative welcomes this suggestion and looks forward to receiving the cooperation of the Government in this regard.

87. Along the same lines as his intended visit to Colombia, the Representative is hoping to combine his attendance at the aforementioned conference on internal displacement in Angola, to be held in Luanda in the spring of 1998, with an official visit to the country. Angola, like Colombia, has a long-standing situation of internal displacement which has deteriorated significantly. As a result of renewed conflict in many parts of the country, the number of internally displaced persons has risen sharply, by over 257,000 from January to October 1998, 25/ effectively wiping out the gains made the preceding year in resettlement efforts. The internally displaced in certain areas have been found to be in "deplorable living conditions" and subject to severe attacks on their life and physical security. 26/ It is thus not without good reason that the ERC returned from his mission to the country in May with an intention to request the Representative to help the IASC "focus on this outrageously protracted treatment of civilian populations in Angola". 27/ For the Representative to do so and make concrete recommendations of ways to meet the protection and assistance needs of the displaced, a country visit would be essential, especially given the rapidly changing events on the ground. A mission would also provide the opportunity to study the unique institutional arrangement that UCAH has had in place since 1997. Under this arrangement, an IDP monitor has been appointed to work with the national authorities to help strengthen the capacity of the Government to discharge its responsibilities towards its internally displaced population. Given this initiative on the part of the Government, the Representative is hopeful that an invitation to undertake a visit to Angola will be forthcoming.

88. In addition to country visits, there are other ways of focusing on specific situations of internal displacement and the national and

international responses to them. As noted above, in section II, there is the IASC framework in which concerns about the specific situations can be raised either under the standing agenda item on internally displaced persons or in the IASC-WG's consideration of humanitarian concerns in particular country situations. In addition to participating in the discussions on the particularly acute crises on the IASC's agenda, the Representative can also work to ensure that other serious situations of internal displacement are not neglected or forgotten by such forums. A case in point is the Representative's circulation among IASC members of a background paper on the situation of internal displacement in Uganda and his recommendation that the IASC-WG hold substantive discussions upon it (see sect. II).

89. Outside the IASC framework, the Representative himself can convene ad hoc meetings of experts to focus on situations of internal displacement. The recommendations of such meetings then can be disseminated to the IASC membership, government officials and the media. . This was done in the case of Kosovo. On 21 September 1998, the Representative, with the support of the Brookings Institution Project, convened in Washington, D.C. an Ad Hoc Working Group on the Protection of Persons under Threat in Kosovo. This meeting formulated a number of specific recommendations to the United Nations, the international community and the United States Government. Among the recommendations to the United Nations and the international community was a call to provide the Office of the High Commissioner for Human Rights with adequate resources to increase its presence in the field, evaluate and report on protection concerns, conduct an assessment of the legal system, engage in trial monitoring and visits to detainees in cooperation with the ICRC and, when appropriate, assist UNHCR in determining when conditions exist for return in safety and dignity. UNHCR, for its part, was encouraged to expand its presence in Kosovo and to be given all necessary support for doing so. Other United Nations agencies also were encouraged to consider expanding their operations in Kosovo to meet the growing humanitarian needs. The need to ensure the protection of the staff of local non-governmental organizations was underscored. While the return process already was under way at the time of writing, concerns surrounding the safety of conditions of return and the continued need for assistance for returnees as well as persons still displaced mean that a number of these and other recommendations of the meeting remain relevant.

90. More globally, attention has been drawn to a number of country situations throughout the world by four recent publications. Masses in Flight, the comprehensive study undertaken on the global crisis of internal displacement which was co-authored by the Representative and Roberta Cohen, includes a global overview, undertaken with the support of the US Committee for Refugees, of the various situations of internal displacement worldwide. A companion volume entitled The Forsaken People: Case Studies of the Internally Displaced, which was co-edited by the Representative and Roberta Cohen, contains 10 case studies from the various regions of the world: Burundi; Rwanda; Liberia; the Sudan; the countries of the former Yugoslavia, the North Caucasus, Azerbaijan, Armenia and Georgia; Tajikistan; Sri Lanka; Colombia; and Peru. Those case studies examining countries visited by the Representative contain updated information on the situation and an analysis of the extent to which the recommendations made in his reports on these missions have been carried out. At the suggestion of the Secretary-General, an

abridged, illustrated and more popularized version of the study has been prepared to reach wider audiences. Entitled Exodus Within Borders: An Introduction to the Crisis of Internal Displacement, it was written by David A. Korn, a former United States diplomat and author, and will also be published by Brookings in the spring of 1999. The NRC/Global IDP Survey's aforementioned Internally Displaced People: A Global Overview, published in 1998, and its undertaking of the Global IDP Database project currently under way also are relevant in providing country-specific analyses of the conditions of the internally displaced and indications of the nature and effectiveness of efforts to address these.

IV. AN AGENDA FOR RESEARCH

91. Studying ways and means for improved protection for and assistance to internally displaced persons provided the initial rationale for the creation of the mandate in 1992. To begin, there was the comprehensive study of the problem with which the Representative initially was charged. There followed, after several years of intensive study, the two-part compilation and analysis of the legal norms pertaining to the internally displaced which ultimately led to the formulation of the Guiding Principles. Meanwhile, the study of institutional arrangements within international, regional and non-governmental frameworks has been ongoing, with developments in this regard consistently forming a key component of the reports of the Representative to the Commission and the General Assembly. So too has attention to the particular needs of internally displaced women and children, who typically constitute the overwhelming majority of internally displaced populations and to whose specific concerns the Commission has asked the Representative to pay particular attention. The study of specific country situations, meanwhile, has been undertaken by means of country visits by the Representative who subsequently has detailed his findings and set out recommendations in the series of reports of country profiles in displacement that also have been presented to the Commission or General Assembly.

92. Bringing together these various aspects of research undertaken by the mandate are the three aforementioned publications, Masses in Flight, The Forsaken People and Exodus Within Borders, published by the Brookings Institution. With the completion of these studies, the major task of studying the global crisis of internal displacement and existing legal and institutional frameworks for addressing it largely is complete. There nonetheless remain several areas where additional research and thinking are required.

93. Strategies still need to be developed for approaching the problem of internal displacement when it occurs in countries that either do not acknowledge the problem or do not permit international involvement with displacement within their borders. To date, the countries upon which the Representative has been able to focus attention, through country visits, have been those that acknowledge the problem and are cooperative insofar as they permit the Representative to study it first-hand. For several years now, the Commission has called upon all Governments to facilitate the activities of the Representative, in particular those Governments with situations of internal displacement which have not yet extended invitations or responded positively to requests for information from the Representative. While welcoming a

reiteration of this call, the Representative also recognizes the need to develop innovative strategies for approaching the problem of internal displacement in countries that do not comply with this request. Clearly, it is not acceptable that countries experiencing serious problems of internal displacement should be able to evade international scrutiny and, in some cases, also deny their internally displaced populations international assistance and protection. The most appropriate way to approach this problem, however, remains unclear. Deliberations on this issue will form the focus of a conference, co-sponsored by the Brookings Institution Project on Internal Displacement and the US Committee for Refugees, to be held in Washington at the end of January 1999.

94. There is also the issue of non-State actors. The nature of contemporary conflict means that large numbers of internally displaced persons live in areas not under government control. How to address the plight of the displaced in such circumstances poses challenges for a State-based international system and, as a product of this system, the mandate of the Representative. In particular, questions of how to hold non-State actors accountable to international standards and principles arise. The Guiding Principles recognize that not only States but all other authorities, groups and persons have responsibilities for protecting and assisting internally displaced populations in territories under their effective control. As noted above, the Representative and non-governmental organizations already are undertaking to bring the Guiding Principles to the attention of non-State actors. In this connection, there is a need to focus more on monitoring the activities of non-State actors and developing strategies for engaging with them for the protection and assistance of the internally displaced.

95. A third theme of research in the coming year will examine donor policies towards the issue of internal displacement. Research into this subject, which already has been begun under the auspices of the Brookings Institution Project on Internal Displacement, will explore the ways in which donors approach the subject of internal displacement and the nature of the specific activities they fund, through both bilateral and multilateral assistance, for addressing the plight of internally displaced persons.

96. Fourth, continued research into the particular needs of internally displaced women and children is required. The Commission has welcomed the specific attention paid by the Representative, over the course of his mandate, to the special assistance, protection and development needs of internally displaced women and children and encouraged him to continue to draw attention to these needs. In this connection, the office of the Representative assisted with the recent papers prepared by UNICEF on the needs of internally displaced women and children and, in conjunction with the Women's Commission for Refugee Women and Children, on the gender dimensions of internal displacement. 28/ The office of the Representative, for its part, presented a paper on internal displacement and gender to the Humanitarian Principles Workshop: Focus on a Child Rights Approach to Complex Emergencies and Internal Displacement hosted by UNICEF in Brussels in October 1998. It also participated, as noted above, in the OAU seminar on Enhancing the Participation of Returnees, Refugees and Internally Displaced Women and Children in Reconstruction, Rehabilitation and Peace Building, held in Addis Ababa, also in October. In his statement to the seminar, the Representative stressed the importance of initiating

reintegration and development programmes for women and children while they are still uprooted so as to prepare them more effectively for return and reintegration. In particular, the Representative recommended that women should be regularly included in large-scale development projects such as reforestation, reconstruction and other non-traditional activities. Citing a number of different ways of achieving this, he underlined that incorporating support services in the projects could increase women's participation. So too could affirmative action clauses stipulating equal pay and access for women. While there exist encouraging examples in this direction, a much more systematic approach is required. Most important, the Representative urged access to credit for internally displaced women to enable them to start up their own businesses, and called upon international development banks to orient more of their funds to supporting small-scale programmes of direct benefit to uprooted women. On a related note, it is particularly welcome that the IASC-WG at its November 1998 meeting agreed that greater attention should be given to mainstreaming gender in the provision of humanitarian assistance. To this end, the IASC has established a sub-working group, to be co-chaired by WFP and UNICEF, to develop discussion on this issue further. The Representative, whose office will participate in this sub-working group, looks forward to contributing to this process as well as the contribution that these inter-agency deliberations will make to informing research on gender issues as these relate to internal displacement.

97. Finally, now that international awareness of the problem of internal displacement has been raised, an appropriate normative framework developed and institutional arrangements increasingly enhanced, it is time to develop new strategies and directions for the work of the mandate that will increase its impact in the field. Toward that end, the Representative has initiated a consultative process in order to benefit from the expertise and insight of others. A series of consultations to discuss future strategies and directions for the mandate are being convened under the auspices of the Brookings Institution Project on Internal Displacement over the latter part of 1998 and early 1999 to solicit the views of a number of individuals, representing a wide range of institutional and personal perspectives in terms of their involvement with the internally displaced. Those approached for consultation include representatives of the office of the Secretary-General and of the ERC, relevant United Nations and other international agencies and organizations engaged in human rights, humanitarian and development work, and academic experts familiar with the issue of internal displacement and the mandate. The OHCHR has participated in these discussions at a senior level. From the experience of the consultations already held at the time of writing the present report, the Representative is hopeful that these will help point the way towards the most appropriate future directions for the mandate.

V. CONCLUSION

98. Much has been accomplished since the mandate was created in 1992. The international community's response to the global crisis of internal displacement has advanced appreciably. On its part, the mandate has played a catalytic role that has focused on developing an appropriate normative framework of protection and assistance for the internally displaced. It has contributed to the development of a system of inter-agency collaboration in addressing the needs of the internally displaced. And it has established a

sustainable programme of country visits aimed at focusing attention on conditions on the ground and entering into dialogue with Governments and other pertinent actors to address the pressing needs of the internally displaced.

99. Nonetheless, providing an effective and comprehensive system of response to the needs of internally displaced populations around the world remains a daunting task that calls for a concerted effort from all concerned at all levels, local to global. With the Guiding Principles completed and launched, with institutional arrangements for inter-agency collaboration in place, and with a process of country missions and dialogue with Governments and other actors established, the system is better equipped than ever before to meet this challenge. The task ahead is to ensure that the developments towards making the system more effective in providing protection and assistance to the millions of internally displaced in desperate need of help have a meaningful impact on the ground. For the mandate, this means continuing the catalytic role but now with more of an emphasis on promoting the dissemination and use of the Guiding Principles, monitoring conditions on the ground to detect situations calling for urgent attention, interceding on behalf of the internally displaced as appropriate, and recommending collaborative action by the relevant operational agencies in the international system as well as, of course, the Government concerned. The mandate thus has entered a new and no less challenging phase.

100. For the mandate to address these challenges credibly, it will have to enhance its capacity with both human and material resources, which are at present dismally deficient. This must be a central issue of concern for the Commission, the Secretary-General, the Representative himself, and all those interested in ensuring that progress continues to be made towards enhancing responses to what is surely one of the greatest human tragedies of our time.

Notes

1/ Report of the Commonwealth Intergovernmental Group on Refugees and Displaced Persons, Commonwealth Secretariat, 1997, paras. 22, 29, 34 (viii).

2/ For an overview of the project, see "OHCHR's Project for IDPs" Human Rights: A Quarterly Review of the Office of the United Nations High Commissioner for Human Rights, No. 3 (Summer 1998), pp. 6-7.

3/ See Forced Migration Review, Issue 1 (January-April 1998) and Issue 2 (August 1998).

4/ Uprooted People, Issue 3 (May 1998) and its Supplement, The Mustard Seed, No. 49 (Fall 1998); On the Record, vol. 2, Issue 3 (7 October 1998).

5/ Jean-Philippe Layover, "Guiding Principles on Internal Displacement" International Review of the Red Cross, No. 324 (September 1998), pp. 467-480; Robert K. Goldman, "Codification of International Rules on Internally Displaced Person" ibid., pp. 463-466; "Guiding Principles on Internal Displacement" ibid., pp. 545-556.

6/ ICJ Review, vol. 61 (December 1998).

7/ "Monday Developments", InterAction, Washington, D.C., 14 September 1998.

8/ See, for instance, Tamil Centre for Human Rights, "Internally Displaced People - One Million in the Island of Sri Lanka", press release (20 July 1998); Nancy Beaudoin, "Colombian Nightmare" On the Record, vol. 2, Issue 3 (7 October 1998), pp. 7, 11; Stephanie T.E. Kleine-Ahlbrandt, "The Kibeho Crisis: Towards a More Effective System of International Protection for IDPs", Forced Migration Review, Issue 2 (August 1998), pp. 8-11.

9/ Joint statement by Caritas International and the Friends World Committee for Consultation (Quakers) to the Commission on Human Rights (Agenda item 9 (d): Human rights, mass exoduses and displaced persons), 9 April 1998.

10/ Officially entitled the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States.

11/ Inter-Agency Standing Committee (IASC) Recommendations Related to the Review of the Capacity of the United Nations (UN) System for Humanitarian Assistance, final version, 15 October 1998, para. 24.

12/ Ibid., para. 14.

13/ Ibid., para. 18.

14/ Ibid., para. 17. UNHCR's criteria for its involvement with internally displaced persons, which were initially set out in UNHCR/IOM/33/93 (28 April 1993), have since been restated in UNHCR/IOM/87/97 (2 December 1997). See also UNHCR, "Information Note: UNHCR's Role with Internally Displaced Persons", November 1998.

15/ IASC Recommendations, ibid., para. 15.

16/ Ibid., para. 20.

17/ Summary Record of the 18 November 1998 meeting of the Sub-Working Group on Improving the CAP, section 2 on "Update on the preparation of the 1999 Consolidated Appeals".

18/ See Steven Holtzman, "Conflict-Induced Displacement through a Development Lens" cited in Roberta Cohen and Francis M. Deng, Masses in Flight: The Global Crisis of Internal Displacement, Washington, D.C., Brookings Institution, 1998, p. 290, note 186.

19/ See, for example, Rosalba Owya, "Protection of Internally Displaced Women in Northern Uganda", paper presented to Brookings Institution-OAU-UNHCR workshop on Internal Displacement in Africa, Addis Ababa, 19-20 October 1998.

20/ Masses in Flight, pp. 213-238, 251-252.

21/ Republica de Colombia, Departamento Nacional de Planeación, Programa Nacional de Atención Inmediata a la Población Desplazada por la Violencia, Santafé de Bogotá, Planeación Nacional, 13 de septiembre de 1995, cited in Liliana Obregon and Maria Stavropoulou, "In Search of Hope: The Plight of Displaced Colombians", in Roberta Cohen and Francis M. Deng (eds.), The Forsaken People: Case Studies of the Internally Displaced, Washington, D.C., Brookings Institution, 1998, p. 440, note 2.

22/ Consulta Permanente para el Desplazamiento Interno en las Americas (CPDIA), Informe Final, Mision in situ de assitencia técnica sobre desplazamiento interno en Colombia, Costa Rica, November 1993, cited in Obregon and Stavropoulou, in The Forsaken People, ibid., p. 440, note 3.

23/ See Obregon and Stavropoulou, in The Forsaken People, ibid., p. 429.

24/ See ibid., pp. 433-440.

25/ Humanitarian Operations in Angola. Situation report for the period 1-7 October 1998.

26/ Ibid.

27/ ERC, Mission Report: ANGOLA, 18-21 May 1998, para. 8.

28/ UNICEF, The Needs of Internally Displaced Women and Children: Guiding Principles and Considerations, Office of Emergency Programmes Working Paper Series, September 1998; UNICEF and the Women's Commission for Refugee Women and Children, The Gender Dimensions of Internal Displacement: Concept Paper and Annotated Bibliography, 1998.